

REMARKS

Claims 1-27 are pending in the application.

Claims 1-27 have been rejected.

Claims 1, 16, 20, and 24 have been amended. Support for these amendments can be found, at least, in paragraphs 39-40 and in Figure 1A. No new matter has been added.

Rejection of Claims Under 35 U.S.C. §102

Claims 1-5, 7, 9-11 and 13-27 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,681,310, issued to Kusters et al. ("Kusters"). Applicants respectfully traverse this rejection.

With respect to amended claim 1, the cited art fails to teach or suggest identifying a first set of physical storage devices to reserve as backup for a second set of physical storage devices configured to provide a logical volume, wherein

the second set of physical storage devices is configured using an intent associated with the logical volume, wherein the intent is stored on the second set of physical storage devices, and wherein the intent comprises information identifying a set of characteristics specified by a creator of the logical volume, and

each physical storage device of the first set of physical storage devices and the second set of physical storage devices conforms to the intent.

In the rejection of the previous version of claim 1, the Examiner cited lines 26-29 of column 7 of Kusters as teaching "the second set of physical storage devices is configured using an intent associated with the logical volume." Office Action, p. 2. The cited portion of Kusters recites: "using the underlying characteristics of the storage devices 106 to allocate mirror copies of a volume based on pairs of devices that have similar seek and data-rate characteristics."

Thus, the cited portion of Kusters describes selecting which devices to use to allocate mirror copies of a volume based upon "the underlying characteristics" of those devices. Kusters neither teaches nor suggests using information actually stored on the storage devices upon which the volume is implemented to make the selection. Furthermore, Kusters neither teaches nor suggests storing an intent that identifies

characteristics specified by the creator of the volume. Finally, Kusters neither teaches nor suggests using an intent such as the one described in claim 1 in the manner described in claim 1.

For at least the foregoing reasons, claim 1 is patentable over the cited art, as are dependent claims 2-5, 7, 9-11, and 13-15. Claims 16-27 are patentable over the cited art for similar reasons.

Rejection of Claims Under 35 U.S.C. §103

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kusters in view of U.S. Patent No. 5,615,352, issued to Jacobson ("Jacobson"). Claims 8 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kusters in view of U.S. Patent No. 5,904,599, issued to Cabrera ("Cabrera"). Applicants respectfully traverse these rejections for at least the foregoing reasons set forth above.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is invited to telephone the undersigned at 512-439-5087.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on March 22, 2007.

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